

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CARDELL TOLIVER, IN HIS
REPRESENTATIVE CAPACITY,
ON BEHALF OF ALL WRONGFUL
DEATH BENEFICIARIES OF
CORNELIUS TOLIVER**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:03CV11-P-B

**NATIONAL HERITAGE REALTY, INC.,
D/B/A GREENWOOD HEALTH AND
REHABILITATION CENTER; AND JOHN
AND JANE DOES 1-10**

DEFENDANTS

ORDER

This cause is before the Court on the defendant's Motion in Limine Regarding Anticipated Testimony of Dr. Jeffrey Levine [167]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is not well-taken and should be denied for the reasons articulated in the plaintiff's response to the instant motion. In addition, the Court continued the October 3, 2005 trial of this matter and reset the trial for March 6, 2006. This delay provided the defendant with ample time to prepare to rebut Dr. Levin's June 10, 2005 deposition testimony.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion in Limine Regarding Anticipated Testimony of Dr. Jeffrey Levine [167] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 28th day of February, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE